

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

AUG 26 2015

for the

Clerk of Court

United States of America)

v.)

Case No.

M-15-1459-M

DOMINGUEZ-Bello, Juan / YOB:1990)

Mexican Citizen)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/25/2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a) (1)

Knowingly and intentionally possess with
intent to distribute approximately 266.5
kilograms of marijuana, a Schedule I
Controlled Substance under the
Controlled Substance Act.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet.

Approved by David A. Lindemuth

8/26/15

Sworn to before me and signed in my presence.

Date: 8/26/2015City and state: McAllen, Texas

DeWayne Bailey

Complainant's signature

DeWayne Bailey, Special Agent, DEA

Printed name and title

Dorina Ramos

Judge's signature

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment A

On August 25, 2015, Border Patrol Agents Robert Schweitzer and Luis G. Dougherty were performing line watch operations near Havana, Texas when they observed some foot sign leading into the brush. Agents began following the sign and heard noise of heavy objects being thrown into the back of a pickup truck. Agents then encountered several subjects running away from a parked white Ford F-150. The Ford F-150 left the area at a high rate of speed with what appeared to be bundles and several subjects inside of the truck's bed. Agents dispatched the vehicle information via service radio to mobile units and were able to immediately apprehend two of the subjects. Border Patrol Agents claimed they did not see the any of the subjects carrying bundles or loading the bundles into the Ford F-150.

Border Patrol Agents Sal De Leon and Acting Supervisor Border Patrol Agent Olbien Ramos responded to the vehicle's location. Aerostat Camera Operators, Ruben Rosas and Javier Soto were able to observe the truck travel northbound on Patricio Perez Road towards Expressway 83 and provided agents with the vehicle's location. Agents De Leon and Ramos continued to observe the Ford F-150 traveling eastbound on Expressway 83. Agents observed the driver make a U-turn and travel back towards the river. Agent De Leon attempted to make a traffic stop on the suspect vehicle but the driver failed to yield. The Ford F-150 continued south along a canal road and proceeded to drive south off the levee into the brush in an attempt to abscond. Both the driver and passenger exited the vehicle and ran into the brush. Border Patrol Agents began a ground search and two more subjects were apprehended approximately thirty minutes later. One of the subjects was a juvenile and had in his possession a bag of Cheetos containing a green leafy substance that later tested positive for marijuana. The weight of the marijuana in the Cheetos bag was 36 grams.

Border Patrol continued to search in the brush and a K-9 Handler was able to apprehend two more subjects just southwest of the loaded vehicle. DPS Boats and Air Operations assisted with the search and five other subjects were observed on a raft going back towards Mexico. The abandoned white Ford F-150 contained 10 large bundles wrapped in brown cellophane tape and weighed a total of 266.50 kilograms. Six subjects total were apprehended. The subjects, bundles, and vehicle were transported to the McAllen Border Patrol Station for processing.

On the same date, DEA Special Agent DeWayne Bailey, Manuel Aranda and TFA Jaime A. Perez arrived to the McAllen Border Patrol Station for an investigative interview. During an individual interview, each of the five subjects was read their Miranda Warning in the Spanish language by SA Manuel Aranda as witnessed by SA DeWayne Bailey and TFA Jaime A. Perez. At that time each subject stated they understood their rights and agreed to make statements. All five subjects claimed to be residence of a small community outside of Reynosa Tamaulipas area and claimed that their primary purpose to enter into the United States was to seek employment. All five subjects admitted that prior to crossing the border they observed a raft that contained bundles of marijuana which was crossed by several unknown subjects. Four of the five subjects claimed that once they entered into the United States, smugglers told them to load narcotics bundles into a pickup truck, however they declined. One of the five subjects, Juan Carlos DOMINGUEZ-Bello admitted that he agreed to load narcotics bundles into a pickup

truck in order to finalize a remaining debt from his smuggling fee. DOMINGUEZ stated he had to pay a total smuggling fee of 7000 Mexican Pesos; however, he had previously paid 3000 Pesos and the remaining 4000 Pesos were to be waived once his services were complete. All subjects during the interview stated that the driver of the pickup truck was not apprehended. SA Bailey requested the video footage from Aerostat; however, Border Patrol Agents Dougherty advised the Aerostat did not record the any activity regarding this case.

AUSA Linda Requenez was advised of the facts in the case and accepted DOMINGUEZ for federal prosecution.